

ensure marketability and economic viability of the project. The project is designed to provide moderately-priced quality townhouse units that will enhance the character of the existing neighborhood. It was the applicant's belief that the proposed phasing would enable the units to be sold as they are built.

Advisory Neighborhood Commission 7B, by report dated December 31, 1984, recommended that the request for modification be denied. The ANC based its opposition on the following concerns:

1. The proposed phase development will lengthen the amount of time, two years, in which the neighborhood must contend with traffic problems caused by the construction.
2. The construction site will remain an eyesore, for at least two years, if not longer.
3. There is a possibility that the project may never be completed if Mr. Blitz's order for phased development is granted.
4. The residents of the project would be unnecessarily inconvenienced by delayed building of the additional units, the pool and the office.

A neighbor submitted a letter of opposition to the record which expressed the same concerns.

The Board is required by statute to give "great weight" to the issues and concerns of the ANC when such issues and concerns are reduced to writing in the form of a report. After giving "great weight" to the ANC report, the Board finds that it does not concur with the reasoning or the recommendations of the ANC for reasons explained below.

The Board finds that it is standard practice in the development industry to stage a project of this size. It is unrealistic to expect all 120 units to be constructed at the same time, and some element of phasing is necessary in the project.

Upon reviewing the phasing plan, marked as Exhibit No. 71 of the record, the Board concludes that the proposed phasing of construction in no way effects the prior relief granted by the Board, provided that construction will continue to be in accordance with the plans marked as Exhibit No. 50A of the record.

The Board further concludes that the opposition's concerns that the prolonged construction at the site would

have an adverse impact on the neighborhood can be addressed by adequate buffering and security of the construction site.

The Board is of the opinion that the applicant would adequately buffer each phase of construction due to his self interest in maintaining community good will and in reducing insurance costs. The Board will order construction of all infrastructure during the first phase, to insure that adequate services are provided throughout the project. The Board further will require that the pool, poolhouse and office be provided in no later than the third phase.

It is therefore ORDERED that the proposed modification of plans to permit a phased development of the subject residential development, in accordance with the phasing plan in Exhibits No. 71 and 71A of the record, is APPROVED, SUBJECT to the following CONDITIONS:


1. The applicant shall build all infrastructures such as roadways and sidewalks during Phase A.
2. The pool, poolhouse and offices shall be constructed no later than Phase C.

DECISION DATE: January 9, 1985

VOTE: 4-0 (William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to APPROVE MODIFICATION; Douglas J. Patton to APPROVE by PROXY; Walter B. Lewis not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 20 FEB 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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